

House File 134 - Introduced

HOUSE FILE 134

BY WOLFE

A BILL FOR

1 An Act relating to the court's authority to grant a protective
2 order following an adjudication of domestic abuse.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 236.5, subsection 1, unnumbered
2 paragraph 1, Code 2013, is amended to read as follows:

3 Upon a finding that the defendant has engaged in domestic
4 abuse and that the defendant represents a credible threat to
5 the physical safety of the plaintiff:

6 EXPLANATION

7 This bill relates to the court's authority to grant a
8 protective order following an adjudication of domestic abuse.

9 Current law allows the court to enter a civil protective
10 order, upon hearing, upon a finding by a preponderance of the
11 evidence that the defendant has engaged in domestic abuse.
12 Iowa Court Rule, Chapter 4 (form 2) provides that when the
13 court finds, by a preponderance of the evidence, that the
14 defendant was properly served, committed domestic abuse against
15 the protected party, and represents a credible threat to the
16 protected party, the court issues a protective order.

17 The bill requires the court to find, by a preponderance of
18 the evidence, that the defendant represents a credible threat
19 to the physical safety of the plaintiff in order to grant a
20 protective order.